

In re Patent Application of:
PIO
Serial No. 09/779,956
Filed: FEBRUARY 9, 2001

REMARKS

Claims 8-25 remain pending in the application, with Claims 8-17 being directed to the elected invention. Favorable reconsideration of is respectfully requested.

In response to the Examiner's assertion that "the record of the instant application regarding the foreign application priority data is unclear", Applicant points out that the present application is a divisional application of application Serial No. 09/364,766 filed July 30, 1999 and which claims foreign priority under 35 U.S.C. §119 of an Italian application (MI 98 001769) filed July 30, 1998, a certified copy of which was submitted in the parent application. Such parent application issued as U.S. Patent No. 6,215,688 and was published with the front page of the patent indicating an incorrect foreign application filing date of September 30, 1998 through a USPTO error (of which correction was previously requested). However, a careful review by the Examiner of such priority document in the parent application would reveal the correct filing date July 30, 1998.

In the present application the following documents each refer to the correct foreign filing date of July 30, 1998: 1) the original application data sheet; 2) the inventor's declaration; 3) the U.S. published application No. 2001-0007536-A1; 4) the Official Filing Receipt from the USPTO; and 5) the corrected Statement of Translator filed February 3, 2004. Moreover, the certified copy of the Italian application (MI 98 001769) filed in the parent application indicates July 30, 1998 as the filing date. Accordingly,

In re Patent Application of:
PIO
Serial No. 09/779,956
Filed: FEBRUARY 9, 2001

Applicant maintains that the foreign application priority data in the instant application is clear.

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. An early notice thereof is earnestly solicited. If, after reviewing this Response, there are any remaining informalities which need to be resolved before the application can be passed to issue, the Examiner is invited and respectfully requested to contact the undersigned by telephone in order to resolve such informalities.

Lastly, Applicant again requests the Examiner to acknowledge consideration of the Information Disclosure Statement filed March 14, 2001. Applicant's previous requests have so far been ignored.

Respectfully submitted,



PAUL J. DITMYER
Reg. No. 40,455
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
Telephone: 407/841-2330
Fax: 407/841-2343
Attorney for Applicant

In re Patent Application of:
PIO
Serial No. 09/779,956
Filed: FEBRUARY 9, 2001

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 703-872-9306 to the MAIL STOP NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 this 25th day of May, 2004.

Barbara Josee